Morse Challenges Johnson to Act in Asia As He Does in Cyprus, P. 3

While LBJ Talks of "A Brutal and Bitter Struggle for the Freedom of A Friend"

"The army's heart is not in the fight with the Vietcong. It is ashamed of waging a civil war. . . . A westerner visiting the countryside not long ago was held up for half a day by a Vietcong detachment. While he was waiting, he was surprised to see several government soldiers walking casually and unarmed through the village and asked his guards why they did not arrest them. 'They come from [a local government outpost]. We have given them permission to do their shopping here,' came the answer. On another occasion, a French reporter was out in the field with an artillery battery that was 'advised' by an American captain. The two stopped to have a drink, and when they came out of the hut were surprised to see the column about to make off in an unexpected direction. 'We have just heard there is a strong Vietcong barrier on the road,' the Vietnamese commander explained, 'so we shall take another route.' 'But you can attack and break it up with your guns,' said the astonished reporter. 'If he'—designating the American officer with his head—'wants to go, he is free to do so. But this is not our war,' replied the Vietnamese officer leading the convey off in the opposite direction."

—A French reporter in the London Economist, June 27.

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How to Avoid A Military Occupation of Mississippi

Two days after Attorney General Kennedy told the NAACP the Federal government had no power to take preventive police action in Mississippi, the FBI—under pressure from the White House and public opinion—showed that it could. The arrests at Itta Bena dispose of the idea that, short of a military occupation of Mississippi, the Justice Department has no power to protect the youngsters down there for the Summer Project. Two Northern young white men and a local Negro volunteer were threatened by three white men while passing out leaflets advertising a voter registration meeting. They managed to get away without harm, but were routed out of bed in the Negro section early next morning by FBI agents, and asked for descriptions of the men who threatened them. That day the three white men were arrested under the old Civil Rights statute which makes it a crime punishable by ten years in jail and a $5,000 fine to conspire to "injure, oppress, threaten or intimidate" any citizen in the exercise of rights conferred upon him by the Federal Constitution, in this case the right to vote. A few more instances of such quick preventive action may not only save lives in Mississippi but prevent the Kluxers from taking over.

Before the Mob Gets Out of Hand

It begs the question to keep on saying that under our constitutional system primary responsibility for law and order rests with local and State authority. Federal law has always been the responsibility of Federal officers. This is particularly true where Federal law is in fact obstructed by State and local officials engaged in a conspiracy to "keep the Negro in his place" and preventing Negroes from registering to vote. The volunteers of the Summer Project are only doing what an adequately staffed and properly motivated force of Federal officers would do. These boys and girls are doing the government's work and deserve the government's protection. There is no reason why Federal marshals and FBI men cannot be on hand at voter registration rallies and attempts to register Negroes. Two hundred Federal marshals and FBI men working out of the dozen or so Federal courthouses in Mississippi would go far to prevent trouble. It would be better to send them in now than wait until some outbreak makes it difficult even for troops to reestablish order.

Protect Negroes As We Would Banks?

"If you have, for example, a bank robber at the American Security & Trust Co., who is going into that national bank and you know it and you call up the FBI or Federal marshals, they are going to be there quick. That guy isn't going to have a chance. . . .

"Under the statutes there is absolutely nothing, for example, to prevent the Attorney General of the U.S. from stationing 20, 40, 200 marshals in various cities in Mississippi and having a marshal present whenever he is notified that a registration effort or a freedom school or any other situation which might result in retaliation from the local authorities is about to take place.

"There is no reason why he could not have Federal law enforcement officers there, precisely as would occur if he were notified that a bank robbery of a national bank were about to take place."

—Wm. L. Higgs, Washington civil rights consultant, before the citizens' panel June 8, transcript in Con. Rec. of June 16, p. 13523.

The notion that the Federal government cannot move in until there is virtual insurrection is dangerous nonsense. Those who would like to get some idea of the broad powers available to the Federal government may be referred to the testimony of three lawyers before the hearing held here by a citizens' panel on Mississippi June 8 and reprinted in the *Congressional Record* for June 16. Not only Federal marshals but FBI men now have the power to make arrests without warrant on the spot where they have reasonable grounds to believe that a Federal offense has been or is being committed. The law was changed in 1951 to give FBI men this power, as a result of the Coplon case.

The two main laws available in the Mississippi affair are the conspiracy statute under which the arrests were made in

(Continued on Page Four)

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Fulbright Pleads Unsuccessfully for More Attention to Human Needs on Earth

House Kills Medicare and Senate Approves $5 Billion "Moon Doggle"

The House killed medicare and the Senate approved $5.3 billion for space travel within one day of each other. The same Southern conservatives who have bottled up the health insurance bill in the Ways and Means Committee for three years will enjoy almost $1.5 billion in space contracts. This inversion of national priorities did not escape one Southerner. "Is it more important to make a more adequate attack on some of the grave deficiencies of our society or to put a man on the moon by 1970?", William Fulbright asked the Senate. His effort to cut 10% from the NASA authorization was narrowly defeated 42-38.

The Senate leadership threw its weight on the side of the space industry. The first time round the bill was rushed through an almost empty Senate in one-half hour and was passed by a voice vote. When the next day Wayne Morse demanded reconsideration and a roll-call vote, Majority Leader Mansfield waited until the liberals were absent and then arranged a one-hour time limit on debate. Even then Fulbright could muster only six Senators to listen to his plea.

A New Form of Pie-in-the-Sky

How is it that in four years a nation can spend $16 billion for space and not vote one penny for any new major social welfare projects? Fulbright turned for the answer to Amitai Etzioni's new book, *The Moon-Doggle*. It all began, says Etzioni, as an attempt to rebuild U.S. prestige after the Bay of Pigs and to end the 1960-61 recession with federal funds acceptable to conservatives in Congress.

Now that the funds have been distributed—"a goody for everybody here," Fulbright complained—the program is almost impossible to stop. "Not having any State interest involved, I can be objective about it," said Fulbright. So could most of the 37 other Senators voting with him. Their states' share in 1964 space funds was only $850 million compared with $4.8 billion for the states of the 42 Senators who voted against the Fulbright amendment.

The 10% cut would have removed only a small portion of the padding from NASA's request. Last year 77% of space contracts were cost-plus-fixed-fee. The Senate Space Committee is supposed to protect the taxpayer against this kind of inflated profit, but it has been designed to protect the contractor instead. On it sit S. L. Holland of Florida (location of Cape Kennedy), Stuart Symington of Missouri (home of McDonnell Aircraft, the company which produced the Mercury capsule and now is on contract for the $308 million project Gemini) and Warren Magnuson of Washington (home of Boeing Aircraft).

Too few realize that the enormous sums voted for NASA are being used by the Air Force for the militarization of space. The 1958 Space Act established NASA as a civilian agency. A 1963 United Nations resolution outlawed nuclear weapons in space. Contrary to both, the Air Force, whose own space funds have been limited to a "mere" $1.5 billion, is using NASA's project Gemini to train pilots for space bombers and interceptors. For the hardware itself, NASA pays the heavy cost of research and development that go into building first models; then the Air Force buys the next ones "at cost." "The space program of NASA is completely tied in with the space program of the military. They are identical," Senator Anderson, the Space Committee's chairman, told the Senate last year. This should answer those liberals who push the space race as the answer to the arms race.

The Old Stalinist Methods

The Soviet government claims that it has abolished the forced labor camps which were so dreadful a feature of the Stalin period and that it no longer uses "administrative measures" against unorthodox writers. Both claims seem to be untrue, according to the story told by Patricia Blake in the New York Times Book Review (June 21) of how the non-conformist poet Josif Brodsky has been sentenced to five years of forced labor in the far north. We know Miss Blake as a warm friend of Russia's best young intellectuals. By clandestine route she has received copies of protests sent to the court by Shostakovitch, Chukovsky and Marshak. Philistinism and anti-Semitism mark the attacks on this gifted young poet. We recommend a reading of Miss Blake's article to all concerned with the fight for justice and artistic freedom in the Soviet Union, and suggest a round robin protest to Moscow by U.S. intellectuals which we would be glad to join.

Bobby Baker Himself Couldn't Have Picked A Better Chairman for Inquiry Into His Affairs

At the end of Everett Jordan's first day in the Senate at dusk of May 6, 1958, a reporter stopped him in the corridor and inquired what great things had transpired in those first auspicious hours. "Oh, I went over to the Senate chamber," the kindly old man replied, "and I stayed there until Bobby Baker told me I could come home."

—Bobby Was The Boy To See, by Don Oberdorfer and Ben H. Bagdikian, Saturday Evening Post, Dec. 7, 1963.

Under the chairmanship of this same Senator Jordan of North Carolina, the Senate Rules Committee has just voted out about as weak a resolution as was politically possible in the Bobby Baker case. Never has a greater scandal been more skillfully and swiftly hushed up. Baker was the right-hand man of Lyndon Johnson as majority leader of the Senate and the fair-haired boy of the Southern conservatives who are the inner core of the Senate Establishment. He resigned last October rather than answer questions about his conduct as secretary to the Democratic majority. The charges he preferred not to discuss involved the sale of legislative favors and the political use of call girls.

But for the assassination of President Kennedy, the Baker scandal might have cost Johnson the Vice Presidential nomination this Fall. His elevation to the Presidency inhibited investigation of his own links to Baker. But the Senate Rules Committee has gone beyond a reluctance to embarrass a new President in an atmosphere of emergency.

It has limited its investigation to Senate employes, exempting Senators, and it has now reported a conflict-of-interest rule so weak that as Senator Case said, "it would not have brought into the open some of the most flagrant of his (Baker's) financial dealings." A stronger rule for Senators and Senate employes by Clark, supported by Pell and Cooper, was rejected in the committee. For the honor of the Senate and the sake of clean government in the future, we hope they will take their battle to the Senate floor, and at least make the whitewash visible.

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"War Against China Safer Than War Against Russia? I Think Not"

Morse Asks Why LBJ Practices Peace-Making in Cyprus But Not in Asia

By Senator Wayne Morse *

The words of President Johnson yesterday in Minneapolis give rise to both hope and despair. They give hope because the President recognized the great contribution to world peace afforded by the United Nations and by our adherence to it. But they give rise to despair because President Johnson seems to have separated our responsibility to the rule of law from our activities in Southeast Asia.

How can the United States, through its President, proclaim the rule of law for the problems and issues of other nations, and practice the law of the claw where our own problems are concerned? The President quoted from the Sermon on the Mount when he said, "Blessed are the peacemakers. . . ." But a few lines later in the Sermon on the Mount we are given some clues of how to go about making peace, "Agree with thine adversary quickly, while thou art in the way with him; lest at any time the adversary deliver thee to the judge, and the judge deliver thee to the officer and thou be cast into prison. Verily I say unto thee, Thou shalt by no means come out thence, till thou has paid the uttermost farthing."

Every War A Gamble

No government that is prepared to risk war can know where or how that war will end, and more often than not an entire nation and a generation of its people pay the "uttermost farthing." Before any Administration threatens to take the U.S. into war it should exhaust the last possibility to avoid it.

This Administration has not exhausted any possibilities in Asia. We are exhausting all the possibilities to keep Greece and Turkey from war. We are using personal mediation, summit diplomacy and the United Nations. But what of our own conflict in Asia? There we talk of nothing but war.

We look upon China as a weak adversary, lacking not only nuclear weapons but much of the ordnance and industrial capacity for even a modern conventional war. We are willing to practice a brinkmanship against China in her backyard that would be unthinkable against Russia in her backyard. But does that mean that war against China is safer for the U.S. than war against Russia? I think not. The nuclear bombs may not fall upon American cities. But the casualties and the cost would still vastly exceed the value to us of the territory we claim we are protecting.

I think we would find our interests in Southeast Asia severely weakened by such a war. Communism has fed on war. It has spread its dominion through war. Unless the U.S. is prepared to do with China what we did with Japan at the close of World War II—to occupy it, rebuild it, and reconstruct its society—there is every likelihood that Communism would spread in Asia if a full-scale war developed there.

I say to President Johnson and to his Secretary of State and to his Secretary of Defense, and to Admiral Felt, that not a single one of you has offered to the American people a goal, a purpose in Asia, that could be accomplished or advanced by war. You have not been able to establish those viable nations about which you like so much to talk even with an investment of billions of dollars. How do you expect to establish the viable nations with war? No, Mr. President let us get away from the policy of peace for Cyprus but war for Asia.

*** Slightly abridged from a speech to the Senate June 29.**

Scientists Oppose Anti-Ballistic Missile

"The cost of the presently proposed American Nike-X anti-ballistic missile system for deployment around 'twenty-odd metropolitan centers containing some 35% of the population' is about $14 billion. For a fraction of that cost an enemy could double or triple the number of missiles he could launch against the same targets. The answer to the creation of an ABM system by an adversary does not lie in the erection of one of our own but in shifting the nature of our offensive system.

"The U.S. [ABM] would be destabilizing. If either party in a deterrent situation should become appreciably more secure and invulnerable, or appear so, the deterrent balance will be upset. The side which feels its security reduced might be inclined to strike first in crisis situations.

"Optimistic evaluations of the ABM could lead to disastrous decisions. In any nuclear strike, an ABM system would tend to insure that greater numbers of warheads and higher levels of megatonnage would be employed with the probable consequence of greater, not lesser destruction."

—Statement prepared by the Committeee for a Sane Nuclear Policy and signed by twenty-three scientists and strategy experts (abridged).

Federation of American Scientists Protests Use of Defoliants in Vietnam

"Biological weapons are potentially very cheap, and their dissemination, particularly among the non-nuclear nations, would have the effect of providing these nations for the first time with a striking power comparable to that afforded by nuclear weapons. Thus, most nations, small and large, could easily and secretly acquire a significant biological and chemical warfare capability, which, furthermore, would be much less susceptible to inspection and control than are nuclear weapons.

"Civilian masses are peculiarly vulnerable, not only because of their relative lack of discipline and protective equipment, but because of the greater effectiveness of biological agents in areas of high population density. Though some mention has been made of the development of so-called "humane" weapons resulting in incapacitation rather than death, the published information suggests that considerable effort is being devoted to development of lethal agents such as those causing anthrax and pneumonic plague.

"Reports that defoliating agents have been used [in Vietnam] to destroy protective cover have been confirmed by representatives of the Defense Department. These charges give rise to the broader implication that the U.S. is using the Vietnamese battlefield as a proving ground for chemical and biological warfare. FAS is opposed to the "first-use" of chemical and biological weapons. We are further opposed to experimentation on foreign soil."

—Federation of American Scientists statement, released to but ignored by the press, June 19 (abr.).

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The Main Enemies of Civil Rights in The South Are The Poilce Themselves

(Continued from Page One)

Itta Bena and the statute making it a misdemeanor punishable by a year in jail or $1,000 fine to deprive anyone of his rights "under color of law." This applies to local police officials who pick up voter-workers on faked traffic violations or arrest peaceful demonstrators. If FBI men were to take pictures of a few such incidents and then arrest State or local officers, it would have a salutary effect. In addition, as Professor Robert Harris of the University of Michigan Law School pointed out, the Supreme Court held in the Debs case that the Attorney General "without any specific statutory authority, may seek injunctions against those who obstruct the Government in carrying out its enumerated powers." Prof. Harris testified:

If the courts today should hold that the Federal government's duty to keep open the franchise and the political process in Mississippi is as important as it was to keep open the railroad lines during the Pullman strike, police officers and conspirators may find themselves in contempt of court without jury trials if they persist in ignoring Federal civil rights laws.

Reluctant to Prosecute

It's not the power but the will that has been lacking. If the Summer Project were threatened by Reds rather than racists, J. Edgar Hoover would never have left the headlines to his old rival, Allen Dulles, or waited for White House orders to infiltrate the Klan. The G-man would have gone South and had his picture taken with the men arrested at Itta Bena. The denial of rights to Negroes, and the murder of Negro militants, have too long been taken for granted. Even now it's only the tragic disappearance of two white volunteers, and the danger to others, which has roused the country. Mistreatment of Negroes by the police, a means of enforcing white supremacy, is regarded as a peccadillo; the FBI does not like to upset its fraternal relations with the local cops by making a fuss over such things. Letters submitted to the Mississippi hearing here showed that though there were 102 complaints of police brutality in Mississippi in the 14 months ended Feb. 28 of last year (and remember not many Negroes have the nerve or knowledge to make a complaint) only 18 were ever presented to grand juries. The ACLU protested in a letter to Burke Marshall of the Civil Rights division that he was applying a stricter standard to these than to ordinary cases. He replied that he did not think he should use his prosecutive authority more broadly "even where the ultimate purpose is to effect a desirable sociological change." We don't like that word "sociological." It unconsciously echoes the Southern notion that the race problem was something thought up by Gunnar Myrdal. It implies that Southern police brutality to Negroes is a kind of folkway, a matter for sociology rather than law.

It is against this attitude that the heat must be applied if the brave youngsters of the Summer Project and the even braver Negroes working with them in Mississippi are to be protected. For the enemy often is not the mob but the local police or Sheriff. Thus one question which cries out for FBI investigation in the disappearance of the three is the timing of their arrest and nocturnal release which so suited the convenience of their kidnappers. Another, as raised by Wm. Bradford Huie, in a dispatch to the *New York Herald-Tribune* June 29, is how many Mississippi police officers are themselves Klansmen.

Not The Same Enthusiasm

Mr. Lawrence SPEISER [Wash. office, American Civil Liberties Union]: We feel there is a serious misconception on the part of the Justice Dept. as to what their role could be in the State of Mississippi as well as in other States in utilizing more effectively the Civil Rights Act, section 242, to prosecute local law enforcement officers who violate constitutional rights of citizens.

Mr. Monroe FREEDMAN [counsel of the hearing panel]: Mr. Speiser, perhaps you can confirm my recollection that the Justice Dept. prosecuted James Hoffa five times unsuccessfully before they finally convicted him on the sixth try. Are you aware of any similar extended efforts on the part of the Justice Dept. in prosecution of any State official accused of brutality or violation of civil rights?

Mr. SPEISER: I have never heard of any.

—Citizens' Panel Hearing on Mississippi in Washington June 8, transcript in Con. Rec. June 16, p. 13521.

If You Haven't Wired the White House Yet Asking More Marshals and FBI Men for Mississippi, Please Do So Now and Send Us A Postcard to Keep Tally. Your Wire May Save A Life

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IFS Speaks at the Sherton Palace, San Francisco, 8 p.m., July 10

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